



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

RCH:EMR/PP/AA
F. #2019R00927

*271 Cadman Plaza East
Brooklyn, New York 11201*

January 5, 2024

By ECF

Honorable Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Genaro Garcia Luna
Criminal Docket No. 19-576 (S-1) (BMC)

Dear Judge Cogan:

The government respectfully submits this letter to request an extension of the Court's deadline for the filing of the government's response to the defendant's post-trial motion from January 19, 2024 to March 1, 2024, as well as a corresponding adjournment of sentencing, which is currently scheduled for March 1, 2024.

By way of background, on February 21, 2023, a jury convicted the defendant on all counts of a superseding indictment charging him with engaging in a continuing criminal enterprise and other charges related to his corrupt assistance to the Sinaloa Cartel while serving as a senior Mexican government official. Following the verdict, the defendant requested until April 7, 2023, to file post-trial motions. On April 4, 2023, the defendant requested a three-month extension to file motions, which the Court granted over the government's objection. On June 30, 2023, the defendant requested an additional five-month extension to file motions, which the Court also granted over the government's objections. The Court set December 15, 2023, as the due date for the defendant's motions, and set January 19, 2024, as the due date for the government's response.

On December 15, 2023, the defendant filed a motion for a new trial under Federal Rule of Criminal Procedure 33. See ECF Nos. 248-250 (the "Motion"). The Motion is accompanied by a lengthy memorandum of law in support of the Motion, a declaration from defense counsel, and numerous exhibits. In the Motion, the defendant makes several entirely new factual allegations never previously raised at trial, at any time before the Court or in any prior communications with the government. Accordingly, the government is seeking an additional six weeks to file its response to the Motion. Defense counsel has no objection to this request.

As such, the government respectfully requests that the deadline for submission of its response to the defendant's post-trial motion, currently set for January 19, 2024, be adjourned to March 1, 2024. The government also requests that sentencing be adjourned to a date in April 2024 or anytime thereafter.

Respectfully submitted,

BREON PEACE
United States Attorney

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cc: Clerk of the Court (BMC) (by ECF)
Counsel of Record (by ECF)